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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Antonio ALVAREZ-Echeverria** Defendant.	Magistrate Case No. '07 MJ 2886 COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1324(a)(2)(B)(iii)- Bringing in Illegal Alien(s) Without Presentation

The undersigned complainant being duly sworn states:

On or about **December 12, 2007**, within the Southern District of California, defendant **Antonio ALVAREZ-Echeverria**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Karina SANTIAGO-Cruz, Fortunata CUAQUETZALE-Ixtacua and Norma HERNANDEZ-Quero**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 13th DAY OF **December**, 2007.

UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

The complainant states that **Karina SANTIAGO-Cruz, Fortunata CUAQUETZALE-Ixtacua** and **Norma HERNANDEZ-Quero** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On December 12, 2007 at approximately 5:13 AM, **Antonio ALVAREZ-Echeverria (Defendant)** made application for admission into the United States at the San Ysidro Port of Entry. Defendant was the driver and sole visible occupant of a black '91 Acura Legend. Defendant presented himself for inspection before a Customs and Border Protection (CBP) Officer, presented a Permanent Resident (I-551) card as his entry document and gave a negative customs declaration. Defendant stated he was on his way to work and that the vehicle belonged to his brother. The primary officer noticed the image on the document did not resemble the Defendant. The primary officer requested Defendant to open the trunk but Defendant was unable to open it. The vehicle and Defendant were escorted to secondary.

In secondary, further investigation revealed Defendant was an impostor to the entry document and he was deemed to be a citizen of Mexico without entitlements to enter the United States. During a search of the vehicle, four undocumented females were discovered concealed in the trunk of the vehicle. The four females were determined to be citizens of Mexico without legal right or benefit to enter, pass through, or to remain in the United States. Three were retained as material witnesses and are now identified as **Karina SANTIAGO-Cruz (MW1), Fortunata CUAQUETZALE-Ixtacua (MW2)** and **Norma HERNANDEZ-Quero (MW3).**

Ten-print fingerprint comparisons were obtained from Defendant and identified him as a prior convicted alien smuggler. Defendant was also identified as a criminal alien previously removed from the United States. Immigration records reflect Defendant was last ordered deported by an Immigration Judge on or about October 04, 2007 and removed from the country to Mexico. All parties were referred to the Prosecutions Unit for further processing.

Defendant was advised of his Miranda rights and agreed to submit to questioning without benefit of counsel. Defendant admitted that he knew there were undocumented aliens concealed in the trunk of the vehicle. Defendant stated he arranged with a male named Galavis to smuggle the aliens across the border and drop the vehicle off in National City, California. Defendant stated Galavis gave him $300.00 USD to buy clothes and food to look presentable at the time of inspection.

Material witnesses were interviewed and videotaped statements were obtained with the following declarations: Material witnesses declared to be citizens of Mexico without legal right to enter the U.S. Material witnesses were going to pay an unknown smuggler a monetary sum ranging from $2,000.00 to $2,500.00 USD payable upon their arrival in California. Material witnesses stated they were going to Los Angeles, California to seek residence.